





### *Historical Perspective*

- Formal distinctions made between CJS and JJS in the early 20<sup>th</sup> century
- Every effort was made to divert children from the CJS
- Still today, many JJS characteristics are distinct from the CJS:
  - Victim advocates must be aware of such distinctions

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### *Recent Research Findings: Project Methodology*

- Four day -long focus groups held regionally across the U.S. in 1997
- Nine victims of violent crime and seven victims of property crimes.
- Twenty juvenile court judges.
- Allied professionals included public defenders, prosecutors, corrections professionals, and victim advocates.

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### *Findings Relevant to Victims*

- For *virtually all victims*, the juvenile court and JJS experience had been negative.
- Victims were nearly unanimous in their dissatisfaction with the court process.
- Felt a lack of respect for their dignity as human beings.
- Felt there was little in the way of acknowledgment of them as victims.

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### *Findings Relevant to Victims (cont.)*

- Thought victims should be treated as “clients” of the JJS.
- Reported a perceived lack of understanding among JJS professionals about the victimization experience.
- Reported a lack of understanding about the court process, and that they had received little information to guide them.

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### *Findings Relevant to Victims (cont.)*

- Most victims were less interested in punishment for its own sake than in seeing that offenders were held accountable, *especially for restitution*.
- A number expressed strong interest in offender rehabilitation, and several had gotten personally involved in offender treatment programs.

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### *Findings Relevant to Victims (cont.)*

- Cited “information about the case” as most important.
- Cited “being heard” and “having input” as equally critical.
- Victims were very open to restorative justice practices, as long as *participation is voluntary*.
- Thought restorative alternatives to traditional court processes were needed

### *Findings Relevant to Juvenile Court Judges*

- General consensus that the victim is, indeed, a *client of the juvenile justice system* and has *some role in juvenile court*.
- Many judges expressed feelings of helplessness in responding to victims’ needs, due largely to *lack of coordination* among the court, prosecutors and probation

### *Findings Relevant to Juvenile Court Judges (cont.)*

- Almost unanimous reported low rates of victim involvement (some felt resulting from victims’ motivation, vs. the “unfriendliness” of the court).
- A few judges felt victims did *not* belong in court because they were sometimes incapable emotionally of rationally participating in the process.

### *Findings Relevant to Juvenile Court Judges (cont.)*

- Some judges viewed court processes and management as the primary cause of victim dissatisfaction.
- Nearly all judges thought that victim access to reliable information about their cases was important, and generally wanted to increase the openness of the court process.

### *Findings Relevant to Juvenile Court Judges (cont.)*

- General consensus that improvements are needed in victim notification, restitution, participation, and victim impact statements
- While nearly unanimous in support for *improving restitution and restorative community service*, judges were more mixed in support for restorative justice processes that seek to give victims and others an empowered role in dispositional and diversion decision.

### *Concerns Unique to Victims of Juvenile Offenders*

- Shock, vulnerability and trauma may be enhanced due to the age of the offender
- Victim vulnerability may be increased when the victim knows the juvenile offender.
- Victims of juvenile offenders may “generalize” about youth.
- Victims sometime report feeling embarrassed due to the age of the child



### *Concerns Unique to Victims of Juvenile Offenders (cont.)*

- May hesitate to report feelings of fear, or articulate the need for protection.
- Children victimizing other children affect relationships among those who know the victim *and* offender.
- Schools are increasingly affected by juvenile offenses.
- Limited participatory rights for victims.

### *Concerns Unique to Victims of Juvenile Offenders (cont.)*

- Confidentiality protections contribute to victim fears and frustration.
- Likelihood of receiving full restitution decreases with the age of the offender
- Restitution orders are often replaced by orders of community service.
- More youthful offenders receive community placements vs. detention

### *Concerns Unique to Victims of Juvenile Offenders (cont.)*

- Victim services in the JJS are *much more limited* than those in the CJS
- Most trauma response protocols are based upon research of victims of adult offenders.
- Training and cross-training are limited
- Parental liability is an issue.
- Differing definitions of “juvenile” in JJS

### *Juvenile Justice Procedures*

- Age of “youthful offender” may vary
- Diversion
- Probation
- Community programming
- Youth detention facilities
- Parole hearings
- Parole (“aftercare”) supervision

### *Victims' Rights in Juvenile Cases*

- May vary, and may include:
  - Obtaining status information about the case and offender
  - Attending court and parole proceedings
  - Obtaining information about restitution
- Many require “request from the victim”

### *Juvenile Offender Confidentiality*

- Many states mandate confidentiality for youthful offenders
- Recent trends give certain organizations and individuals (including victims) access to juvenile information and records
- Some states make most information public record

### *Core Victims' Rights in the Juvenile Justice System*

- Notification
- Protection
- Victim impact statements
- Restitution

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### *Victim/Offender Programming*

- Victim impact panels
- Victim-offender dialogue
- Community service that benefits victims of crime
- Other creative dispositions

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### *NCJFCJ Nine Critical Elements for a Comprehensive Victim Service Program*

- Complete understanding of state statutes
- Complete understanding of the operations of juvenile/family court
- Knowledge of whom is responsible for implementation of statutes
- ID personnel who support victims' rights

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### *NCJFCJ Nine Critical Elements for a Comprehensive Victim Service Program (cont.)*

- Determine role of VSPs
- Referral of victims to VSPs
- Development of services for victims, and training for staff
- Participation in various committees
- Program development and program evaluation

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